

REMARKS

By this amendment, claim 6 has been modified to provide antecedent basis. Other very minor typographical issues have been addressed as well.

Claims 1-8 and 12-18 stand rejected under 35 U.S.C. §102(e) over Robinson ('4001). Claims 9-10 and 19 stand rejected under 35 U.S.C. §103(a) over Robinson in view of Goldhaber ('210). Claims 11-20 stand rejected under 35 U.S.C. §103(a) over Robinson in view of Eldering ('519). As discussed hereinbelow, Applicant contends that *prima facie* anticipation and obviousness have not been established, since the Robinson reference fails to teach or suggest important limitations of the claims.

With regard to claim 1, the Examiner argues that Robinson teaches "conducting an auction whereby the potential sellers or merchants bid on the information without knowing the details thereof," citing paragraphs 0014 and 0074-0079. Applicant contends that a thorough examination of the Robinson reference indicates that the Examiner is incorrect on this point. Robinson resides in an advertising arrangement that protect users privacy on the worldwide web. In contrast to existing systems, wherein personal user information is, or may be, shared with advertiser through cookies or other applets, ad selection is carried out on the user's machine directly, obviating the need to exchange or disseminate private information.

More particularly, ad-targeting agents execute algorithms on the user's machine to determine which ad or ads should be shown to that user. Data is provided to the agents to help them do their job. For example, demographic or job-related data for the user may be provided and behavioral data may be provided as well, but none of this has to leave the user's machine [0010]. A type of bidding process does take place in order to finally determine which ads should be shown. For example, an arbitration module may be used to collect "bids" so as to choose the most "attractive ad for that particular user."

While the Robinson reference does bear some loosely similar activities, apart from being directed to advertising as opposed to information auctions, Robinson fails to teach or suggest important aspects of Applicant's invention as claimed. In particular, claim 1 includes a limitation of "conducting an auction whereby the potential sellers or merchants bid on the information *without knowing the details thereof*." Again, while the Robinson reference is not exactly on point,

one may consider the agents executing a user's machine to be "potentials or sellers" since it is these agents which conduct bids on the information that they receive locally in order to determine which ads should be shown. However, in contrast to Applicant's limitation that this information is bid on without knowing the details thereof, according to Robinson, not only is this information known, but it is used as the determining factor as to which ads should be shown. This is a marketed contrast to Applicant's invention and, indeed, represents an opposite approach to the bidding process. Indeed, the system of Robinson would be ineffective and lacking in utility if the resident agents were unable to collect the information that they need "to help them do their work." Without demographic, job-related or behavioral data being supplied from the user's machine, no bidding could take place, and no ad could be selected. Accordingly, the purpose of the Robinson reference would be defeated.

Based on the fact that Robinson fails to teach or suggest this (as well as other) limitations, *prima facie* anticipation has not been established. Nor has obviousness, since even if the various combinations proposed by the Examiner were made, Applicant's invention would not result.

With regard to Applicant's other independent claim, claim 13, it is Applicant's position that this claim has not been adequately examined. With regard to claim 13, the Examiner states only that "Robinson teaches wherein the buyer is compensated as a function of the valuation." It will be noted that claim 13 includes numerous other limitations, which were apparently overlooked. Accordingly, claim 13 and those claims which depend therefrom, claims 14-21, should be deemed allowable as well.

Based upon the foregoing amendments and comments Applicant believes this application is in condition for allowance.

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Respectfully submitted,

By

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